

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF MONTANA  
MISSOULA DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

vs.

NATHAN GLEN KIRKLAND,

Defendant.

CR 15-16-M-DLC-1

ORDER

United States Magistrate Judge Jeremiah C. Lynch entered Findings and Recommendation in this matter on September 29, 2015. Neither party objected and therefore they are not entitled to *de novo* review of the record. 28 U.S.C. § 636(b)(1); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003). This Court will review the Findings and Recommendation for clear error.

*McDonnell Douglas Corp. v. Commodore Bus. Mach., Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981). Clear error exists if the Court is left with a “definite and firm conviction that a mistake has been committed.” *United States v. Syrax*, 235 F.3d 422, 427 (9th Cir. 2000).

Judge Lynch recommended this Court accept Nathan Glen Kirkland’s guilty

plea after Kirkland appeared before him pursuant to Federal Rule of Criminal Procedure 11, and entered a plea of guilty to count one of the possession with the intent to distribute methamphetamine in violation of 21 U.S.C. § 841(a)(1) (Count III), as set forth in the Superseding Indictment. The Defendant agrees to the forfeiture of \$24,950 in United States currency as specified in the Plea Agreement. In exchange for Defendant's plea, the United States has agreed to dismiss Counts 1 and II of the Superseding Indictment.

I find no clear error in Judge Lynch's Findings and Recommendation (Doc. 58), and I adopt them in full, including the recommendation to defer acceptance of the Plea Agreement until sentencing when the Court will have reviewed the Plea Agreement and Presentence Investigation Report.

Accordingly, IT IS ORDERED that Nathan Glen Kirkland's motion to change plea (Doc. 48) is GRANTED and Nathan Glen Kirkland is adjudged guilty as charged in Count III of the Indictment.

DATED this 15<sup>th</sup> day of October, 2015.



Dana L. Christensen  
Chief District Judge  
United States District Court